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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ERIC B. JACKSON,

Petitioner,

v.

TIM PEREZ,

Respondent.

Case No. CV 15-0574 JGB (JCG)

**ORDER SUMMARILY DISMISSING  
ACTION WITHOUT PREJUDICE AND  
DENYING CERTIFICATE OF  
APPEALABILITY**

On January 26, 2015, petitioner Eric B. Jackson (“Petitioner”), a California prisoner proceeding *pro se*, filed a Petition for Writ of Habeas Corpus (“Petition”). [Dkt. No. 1.] Notably, it is his second federal petition challenging a 2010 sentencing enhancement that Petitioner received in connection with a robbery conviction. Thus, the Court finds that the Petition is an unauthorized “second or successive” petition, and summarily dismisses this action without prejudice for lack of jurisdiction. *See* 28 U.S.C. 2244(b).

By way of background, Petitioner first challenged his sentencing enhancement in 2012, in a federal habeas petition filed in the Southern District of California. [*See* S.D. Cal. Case No. CV 12-2178 WQH (WVG), Dkt. No. 1.] That petition was denied. [*See id.*, Dkt. No. 6 (2013 WL 1759014), Dkt. No. 7 (2013 WL 1759012), Dkt. No. 8.]

1 Now, in the instant Petition, Petitioner challenges the *same* sentencing  
2 enhancement. (Pet. at 3.) However, Petitioner has failed to obtain the Ninth Circuit's  
3 authorization to file a "second or successive" petition. *See* 28 U.S.C. 2244(b).

4 Accordingly, the Court must dismiss this action for lack of jurisdiction. *See id.*

5 Additionally, for the reasons stated above, the Court finds that Petitioner has not  
6 shown that reasonable jurists would find it debatable whether this Court was correct in  
7 its procedural ruling. *See Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). The Court  
8 thus declines to issue a certificate of appealability.

9 For the foregoing reasons, **IT IS ORDERED THAT** this action be  
10 **SUMMARILY DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction,  
11 pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States  
12 District Courts.

13 **IT IS FURTHER ORDERED THAT** a Certificate of Appealability be  
14 **DENIED.**

15 **LET JUDGMENT BE ENTERED ACCORDINGLY.**

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18 DATED: February 3, 2015



19 HON. JESUS G. BERNAL  
20 UNITED STATES DISTRICT JUDGE  
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